

Notice of Allowability

Application No.

10/798,172

Examiner

David D. Le

Applicant(s)

AUMANN, BERND

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 24 March 2006.
2. ☒ The allowed claim(s) is/are 17-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This is the third Office action on the merits of Application No. 10/798,172, filed on 11 March 2004. Claims 17-24 are pending.

Documents

2. The following documents have been received and filed as part of the patent application:
 - Information Disclosure Statement, received on 03/11/04
 - Foreign Priority Document, received on 03/11/04

Allowable Subject Matter

3. Claims 17-24 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Claim 17:

The prior art of record fails to show or render obvious a drive train comprising a drive engine, a hydrodynamic torque converter, and an electronic control unit, as recited in the claim; specifically, wherein, when the drive engine is operating at maximum power, the clutch is engaged and the selector lever is then actuated, the clutch is actuated in a disengaging direction and the drive engine is regulated so that the auxiliary drive reaches a defined speed and a driving speed of the propulsion drive is dependent upon the varying positions of the driving pedal and the selector lever and is reduced as the driving resistance increases.

Claim 18:

The prior art of record fails to show or render obvious a method for controlling a drive train of a vehicle, as recited in the claim; specifically, wherein the method includes the steps of when the drive engine is operating at maximum power, the clutch is engaged and the selector lever is actuated, actuating the clutch in a disengaging direction and regulating the drive engine so that the auxiliary drive reaches a defined speed and a driving speed of the propulsion drive is dependent upon the varying positions of the driving pedal and the selector lever and is reduced as the driving resistance increases.

Claim 24:

The prior art of record fails to show or render obvious a method for controlling a drive train of a vehicle, as recited in the claim; specifically, wherein the method includes the steps of when the drive engine is operating at maximum power, the clutch is engaged and the selector lever is actuated, actuating the clutch in a disengaging direction and regulating the drive engine so that the auxiliary drive reaches a defined speed and a driving speed of the propulsion drive is dependent upon the varying positions of the driving pedal and the selector lever and is reduced as the driving resistance increases.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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